

IN THE SENATE OF THE UNITED STATES.

MARCH 13, 1860.—Ordered to be printed.

Mr. THOMSON made the following

REPORT.

[To accompany Bill S. 269.]

*The Committee on Pensions, to whom was referred the petition of Micajah Hawks, praying to be allowed a pension, submit the following :*

It appears that the petitioner presented his papers at the second session of the Thirty-fifth Congress, and that a favorable report was made by the Committee on Invalid Pensions, of the House of Representatives, and a bill for his relief submitted, which report and bill your committee beg leave to adopt.

“Your committee deem it proper to state that their action in his case is to be regarded as an exception rather than as in conformity to the general rule that has governed your committee.

“It appears, from proper proof, that he was an assistant surgeon in the naval service of the United States in the war of 1812, and was acting in that capacity on board the *Hornet* at the time of the celebrated engagement of that ship with the British sloop-of-war *Peacock*. He was honorably discharged May 10, 1813.

“It is equally clear that he is now totally disabled; and, at the age of seventy-four years, is destitute, as well as helpless. Three physicians and surgeons of high standing in his vicinity give it as their decided opinion that his disability, which has been of long standing, is entirely in consequence of the accident which, as he alleges, befell him while in the line of his duty on board the *Hornet*.

“The chief point of difficulty in his case is with regard to the proof of the original injury.

“His own statement is, that soon after the *Hornet* arrived in New York he was called on to visit a sick man at one or two o'clock in the morning, the vessel at that time being under repair, and everything about her being in confusion and disorder; in passing to the patient he fell into the hold of the vessel, and that the result was an injury of the small of the back, less serious at first, but which has constantly increased until he has long been unable to move without help.

“As to this original injury, Mr. Hawks furnishes no statement but his own. Nor can he do so. He continued to serve as assistant surgeon until honorably discharged, and the rolls furnish no proof of his disability. It further appears (see letter of T. J. D. Fuller, Esq.,) that there is but one other survivor of this cruise of the *Hornet*, viz :

Commodore Forest, now absent in command of the Brazilian squadron. His testimony cannot, therefore, be obtained at present; nor is it certain that it would avail the applicant anything if procured.

"The narrative of the applicant is consistent with itself, and with the opinions of the medical gentlemen on file. He produces the certificates of the best men of his vicinity in favor of his application, and his integrity and honorable standing are heartily indorsed by Hon. S. C. Foster, of this House, and by Hon. T. J. D. Fuller, whose letter has already been referred to, and to the contents of which the attention of the House is invited.

"These facts lead your committee to believe that the applicant has given a truthful statement of his injury and of its effects, and that he is consequently entitled to the relief proposed by the bill herewith reported."